

PETITION FOR WRIT OF HABEAS CORPUS: 28 USC §2254 (Rev. 9/10)
ADOPTED BY ALL FEDERAL COURTS IN TEXAS

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT

2018 SEP -5 PM 12:40

FOR THE _____ DISTRICT OF TEXAS

DEPUTY CLERK *[Signature]*

DIVISION

PETITION FOR A WRIT OF HABEAS CORPUS BY
A PERSON IN STATE CUSTODY

WILLIAM NELSON ANTOINE

PETITIONER

(Full name of Petitioner)

Bill Clements unit

CURRENT PLACE OF CONFINEMENT

vs.

1911591

PRISONER ID NUMBER

THE STATE OF TEXAS

RESPONDENT

(Name of TDCJ Director, Warden, Jailor, or
authorized person having custody of Petitioner)

318 - CV 2355 - B

CASE NUMBER

(Supplied by the District Court Clerk)

INSTRUCTIONS - READ CAREFULLY

1. The petition must be legibly handwritten or typewritten and signed and dated by the petitioner, under penalty of perjury. Any false statement of an important fact may lead to prosecution for perjury. Answer all questions in the proper space on the form.
2. Additional pages are not allowed except in ~~and~~ 20. Do not cite legal authorities. Any additional arguments ~~or~~ want to present must be in a separate memorandum. The petition, including attachments, may not exceed 20 pages.
3. Receipt of the \$5.00 filing fee or a grant of permission to proceed *in forma pauperis* must occur before the court will consider your petition.
4. If you do not have the necessary filing fee, you may ask permission to proceed *in forma pauperis*. To proceed *in forma pauperis*, (1) you must sign the declaration provided with this petition to show that you cannot prepay the fees and costs, and (2) if you are confined in TDCJ-CID, you must send in a certified *In Forma Pauperis* Data Sheet form from the institution in which you are confined. If you are in an institution other than TDCJ-CID, you must send in a certificate completed by an authorized officer at your institution certifying the amount of money you have on deposit at that institution. If you have access or have had access to enough funds to pay the filing fee, then you must pay the filing fee.

5. Only judgments entered by one court may be challenged in a single petition. A separate petition must be filed to challenge a judgment entered by a different state court.
6. Include all of your grounds for relief and all of the facts that support each ground for relief in this petition.
7. Mail the completed petition and one copy to the U. S. District Clerk. The "Venue List" in your unit law library lists all of the federal courts in Texas, their divisions, and the addresses for the clerk's offices. The proper court will be the federal court in the division and district in which you were convicted (for example, a Dallas County conviction is in the Northern District of Texas, Dallas Division) or where you are now in custody (for example, the Huntsville units are in the Southern District of Texas, Houston Division).
8. Failure to notify the court of your change of address could result in the dismissal of your case.

PETITION

What are you challenging? (Check all that apply)

- ☒ A judgment of conviction or sentence, (Answer Questions 1-4, 5-12 & 20-25)
probation or deferred-adjudication probation.
- ☐ A parole revocation proceeding. (Answer Questions 1-4, 13-14 & 20-25)
- ☐ A disciplinary proceeding. (Answer Questions 1-4, 15-19 & 20-25)
- ☐ Other: _____ (Answer Questions 1-4, 10-11 & 20-25)

All petitioners must answer questions 1-4:

Note: In answering questions 1-4, you must give information about the conviction for the sentence you are presently serving, even if you are challenging a prison disciplinary action. (Note: If you are challenging a prison disciplinary action, do not answer questions 1-4 with information about the disciplinary case. Answer these questions about the conviction for the sentence you are presently serving.) Failure to follow this instruction may result in a delay in processing your case.

1. Name and location of the court (district and county) that entered the judgment of conviction and sentence that you are presently serving or that is under attack: IN THE 253RD OF
THE JUDICIAL DISTRICT COURT and DISTRICT
CLERK LIBERTY COUNTY 1923 SAM HOUSTON - ROOM # 115
 2. Date of judgment of conviction: 02-4-2014
 3. Length of sentence: 15 Years sentence
 4. Identify the docket numbers (if known) and all crimes of which you were convicted that you wish to challenge in this habeas action: #CR29860
-

Judgment of Conviction or Sentence, Probation or Deferred-Adjudication Probation:

5. What was your plea? (Check one) ☐ Not Guilty ☐ Guilty ☒ Nolo Contendere
6. Kind of trial: (Check one) ☐ Jury ☐ Judge Only
7. Did you testify at trial? ☐ Yes ☐ No
8. Did you appeal the judgment of conviction? ☐ Yes ☐ No
9. If you did appeal, in what appellate court did you file your direct appeal? NONE
- NONE Cause Number (if known): NONE

What was the result of your direct appeal (affirmed, modified or reversed)? N/A

What was the date of that decision? N/A

If you filed a petition for discretionary review after the decision of the court of appeals, answer the following:

Grounds raised: NONE

Result: NONE

Date of result: NONE Cause Number (if known): NONE

If you filed a petition for a writ of certiorari with the United States Supreme Court, answer the following:

Result: NONE

Date of result: _____

10. Other than a direct appeal, have you filed _____, applications or motions from this judgment in any court, state or federal? This includes _____ any state applications for a writ of habeas corpus that you may have filed. ☐ Yes ☒ No

11. If your answer to 10 is "Yes," give the following information:

Name of court: NONE

Nature of proceeding: N/A

Cause number (if known): _____

Date (month, day and year) you filed the petition, application or motion as shown by a file-stamped date from the particular court: DENIED 8-15-2018

Grounds raised: CHALLENGING ACTUAL INNOCENCE UNDER NEWLY
DISCOVERY OF EVIDENCE OF THE FOURTEENTH AMENDMENT DUE PROCESS

Date of final decision: 8-15-2018 WITHOUT WRITTEN ORDER

What was the decision? 8-15-2018

Name of court that issued the final decision: COURT OF CRIMINAL APPEALS OF TEXAS

As to any second petition, application or motion, give the same information:

Name of court: NONE

Nature of proceeding: N/A

Cause number (if known): N/A

Date (month, day and year) you filed the petition, application or motion as shown by a file-stamped date from the particular court:

Grounds raised: N/A

Date of final decision: _____

What was the decision? _____

Name of court that issued the final decision: _____

If you have filed more than two petitions, applications or motions, please attach an additional sheet of paper and give the same information about each petition, application or motion.

12. Do you have any future sentence to serve ~~and~~ ^{with} serving the sentence you are attacking in this petition? ☐ Yes ☒ No

(a) If your answer is "Yes," give the name and location of the court that imposed the sentence to be served in the future: _____

(b) Give the date and length of the sentence to be served in the future: _____

- (c) Have you filed, or do you intend to file, any petition attacking the judgment for the sentence you must serve in the future? ☐ Yes ☒ No

Parole Revocation:

13. Date and location of your parole revocation: NONE
14. Have you filed any petitions, applications or motions in any state or federal court challenging your parole revocation? ☐ Yes ☒ No

If your answer is "Yes," complete Question 11 above regarding your parole revocation.

Disciplinary Proceedings:

15. For your original conviction, was there a finding that you used or exhibited a deadly weapon? ☐ Yes ☒ No
16. Are you eligible for release on mandatory supervision? ☒ Yes ☐ No
17. Name and location of the TDCJ Unit where you were found guilty of the disciplinary violation: NONE
- Disciplinary case number: NONE
- What was the nature of the disciplinary charge against you? N/A
18. Date you were found guilty of the disciplinary violation: N/A
- Did you lose previously earned good-time days? ☐ Yes ☒ No

If your answer is "Yes," provide the exact number of previously earned good-time days that were forfeited by the disciplinary hearing officer as a result of your disciplinary hearing:

Identify all other punishment imposed, including the length of any punishment, if applicable, and any changes in custody status:

N/A

19. Did you appeal the finding of guilty through the prison or TDCJ grievance procedure? ☐ Yes ☐ No

If your answer to Question 19 is "Yes," answer the following:

Step 1 Result: _____

Date of Result: 8-15-2018Step 2 Result: NONE

Date of Result: _____

All petitioners must answer the remaining questions:

20. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting them.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

- A. GROUND ONE: THE TRIAL ATTORNEY INEFFECTIVE ASSISTANCE OF COUNSEL OR VIOLATION OF 6TH AMENDMENT RIGHTS. U.S.C.

Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

CHALLENGING THE INSUFFICIENT OF THE EVIDENCE THERE WAS NO FINDINGS OF (A) DEADLY WEAPON AND THE FIRST CHARGE PENDING WAS (A) FIRST DEGREE FELONY DISMISSED THE PETITIONER PLEA-WAS INVOLUNTARY BY DURESS ADVICE OF TRIAL COUNSELOR IF WOULD PROCEED TO TRIAL NOT FOUND GUILTY

- B. GROUND TWO: THE COURT OF CRIMINAL APPEAL COMMITTED ERROR IN LAW FAILURE TO GIVE (A) FINDING A DE-NOVO

Supporting facts (Do not argue or cite law. Just state specific facts that support your claim.):

THE APPEAL COURT COMMITTED AN ERROR IN LAW FAILURE TO PROPERLY REVIEW THE LAWS OF (A) DE-NOVO REVIEW OF THE 11:07 WRIT OF HABEAS CORPUS BECAUSE THE GROUNDS ARGUMENTS ARE WITHIN THE PROCEEDURE GUIDELINES OF COMPLIANCE 73.21 NOT MODIFIED AT ALL REVERSIBLE ERROR.

C. GROUND THREE: THE TRIAL COURT VIOLATED THE FOURTEENTH AMENDMENTS RIGHTS OF DUE PROCESS EQUAL PROTECTION

Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

THE PETITIONER CHALLENGING ACTUALLY INNOCENCE IN HIS (2) WITHOUT THE ADVICE OF HIS ATTORNEY TO PLEAD GUILTY HE WOULD HAVE PROCEED TO A JURY-TRIAL (2) THE OUTCOME OF THE TRIAL WOULD NOT HAVE FOUND HIM GUILTY OF A CRIME OFFENSE REVERSIBLE ERROR INEFFECTIVE OF COUNSEL

D. GROUND FOUR: THE TRIAL COURT VIOLATED THE FOURTEENTH AMENDMENTS RIGHTS OF DUE PROCESS EQUAL PROTECTION CLAUSE

Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

THE TRIAL COURT AND TDCJ PRISON OFFICIALS ARE IMPROPERLY MAKING HIS CASE A 36 AGGRAVATED SENTENCE CONVICTION WITHOUT THE FINDINGS OF A DEADLY-WEAPON IN ORDER TO HAVE A 36 SENTENCE ERROR IN LAW REVERSIBLE ERROR OF LAW CLAIMS HEREIN

21. Relief sought in this petition: THE PETITION SEEKING A REVERSIBLE OF HIS CONVICTION AND SENTENCE A NEW TRIAL IN HIS CASE A VIOLATION OF DUE PROCESS OF LAW AND A INVESTIGATION IN THIS FEDERAL COURT TO ORDER A DE NOVO REVIEW OF THOSE FACTUAL FINDING OF LAW IN VIOLATION OF 6TH AMENDMENT RIGHTS DUE PROCESS OF LAW INEFFECTIVE ASSISTANCE COUNSELORS REVERSIBLE ERROR HEREIN RELIEF

22. Have you previously filed a federal habeas petition attacking the same conviction, parole revocation or disciplinary proceeding that you are attacking in this petition? ☐ Yes ☒ No
If your answer is "Yes," give the date on which each petition was filed and the federal court in which it was filed. Also state whether the petition was (a) dismissed without prejudice, (b) dismissed with prejudice, or (c) denied.

NONE

NONE

If you previously filed a federal petition attacking the same conviction and such petition was denied or dismissed with prejudice, did you receive permission from the Fifth Circuit to file a second petition, as required by 28 U.S.C. § 2244(b)(3) and (4)? ☐ Yes ☒ No

23. Are ~~any~~ of the grounds listed in question 20 above presented for the first time in this petition?
☒ Yes ☐ No

If your answer is "Yes," state briefly what grounds are presented for the first time and give your reasons for not presenting them to any other court, either state or federal.

UNDER NEWLY DISCOVERED EVIDENCE CHALLENGING
THE INSUFFICIENT OF THE EVIDENCE ACTUALLY
INNOCENCE ON REVERSIBLE ERROR PRESENTED/ERROR

24. Do you have any petition or appeal now pending (filed and not yet decided) in any court, either state or federal, for the judgment you are challenging? ☐ Yes ☒ No

If "Yes," identify each type of proceeding that is pending (i.e., direct appeal, art. 11.07 application, or federal habeas petition), the court in which each proceeding is pending, and the date each proceeding was filed. NONE

NONE

25. Give the name and address, if you know, of ~~each~~ attorney who represented you in the following stages of the judgment you are challenging:

- (a) At preliminary hearing: NONE
- (b) At arraignment and plea: NONE
- (c) At trial: NONE
- (d) At sentencing: NONE
- (e) On appeal: NONE
- (f) In any post-conviction proceeding: _____

(g) On appeal from any ruling against you in a post-conviction proceeding: N/A

N/A

Timeliness of Petition:

26. If your judgment of conviction, parole revocation or disciplinary proceeding became final over one year ago, you must explain why the one-year statute of limitations contained in 28 U.S.C. § 2244(d) does not bar your petition.¹

N/A

¹ The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), as contained in 28 U.S.C. § 2244(d), provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.
- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

(g) On appeal from any ruling against you in a post-conviction proceeding: N/A

N/A

Timeliness of Petition:

26. If your judgment of conviction, parole revocation or disciplinary proceeding became final over one year ago, you must explain why the one-year statute of limitations contained in 28 U.S.C. § 2244(d) does not bar your petition.¹

N/A

¹ The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), as contained in 28 U.S.C. § 2244(d), provides in part that:

- (i) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The ~~time~~ ^{limitation} period shall run from the latest of -
 - (A) the date on which the judgment ~~became final~~ by the conclusion of direct review or the expiration of the time for seeking ~~such~~ ^{state} review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.
- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Wherefore, petitioner prays that the Court grant him the relief to which he may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for a Writ of Habeas Corpus was placed in the prison mailing system on

8-28-2018 (month, day, year).

Executed (signed) on 8-28-2018 (date).

William W Antoine
Signature of Petitioner (required)

Petitioner's current address: Clements Unit 9601 Spur 591

Amarillo, Texas 79107-99601

IN THE DISTRICT COURT
OF
LIBERTY COUNTY TEXAS

#1911591

PETITIONER

ANTOINE William NELSON

THE STATE ^{VS} OF TEXAS

(2) MEMORANDUM OF LAW
IN SUPPORT OF CLAIMS

TO: THE Honorable Judge of said Court

(2) COMES NOW ANTOINE William Nelson Herein
and move this Honorable Court IN ORDER TO
SHOW THE FOLLOWING THIS COURT HAS THE PROPER
JURISDICTION OF CLAIMS. TRIAL COUNSEL IS TO
INEFFECTIVE OF COUNSELOR FOR FAILURE TO
INVESTIGATE. HIS CLIENT ARE PREPARE A PROPER
JURISDICTION

(3) THE COURT HAS THE PROPER JURISDICTION
BECAUSE TRIAL COURT INEFFECTIVE ASSISTANCE
IS PROBABLY THE SIXTH AMENDMENT COUNSEL
DEFICIENT - PERFORMANCE FAIL BELOW THE
AVERAGE OF UNPROFESSIONAL INCOMPETENT
ATTORNEY. FOR HIS CLIENT HIS THEN ARE A
REASONABLE - PROBABILITY THAT THE OUTCOME
OF THE TRIAL WOULD HAVE BEEN DIFFERENTLY
SEE: STRICKLAND VS. WASHINGTON 466 U.S. 668
104 S.Ct 2052 (1984)

SEE ATTACHMENT CLAIM RELIEF

Jurisdiction

(4) THIS COURT HAS THE PROPER JURISDICTION
OVER THE SUBJECT MATTER OF THE CLAIMS
PETITIONER THE TRIAL ATTORNEY INEFFECTIVE
ASSISTANCE KNOWING THAT HIS CLIENT PLEA
WAS INVOLUNTARY see case law cite at
803 S.W.2d 342, 347 TEX APP. HOUSTON DIS 1990
see Ex Parte Young 479 S.W.2d 45, 47 TEX CRIM
APP 1972]

CERTIFICATION OF SERVICE

(5) I _____ PETITIONER HEREBY STATE THAT
THE FOREGOING MOTION AND THE MEMORANDUM OF
LAW IS TRUE AND CORRECT AND DECLARE UNDER
PENALTY OF PERJURY THAT ACCORDING TO MY
BELIEF THE FACTS STATED ARE TRUE AND PLACE
IN THE BILL CLEMENTS UNIT LEGAL MAIL AT
9601 SPUR 591 AMARILLO TEXAS 79107 TO THE
DISTRICT CLERK OFFICE OF DALLAS COUNTY TEXAS

#1911591
x William W Antoine PROSE
x William W Antoine PROSE

C.C.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
1100 COMMERCE ST #1452
Dallas Texas 75242

ANTOINE, William Nelson

APPLICANT #1911591 prose

CLEMENTS UNIT

9601 SPUR 591

AMARILLO Texas 79107-9606

CLERK OFFICE

WOULD YOUR OFFICE FILE PETITION
FOR 32254 Federal Writ of Habeas
CORPUS

Thank You

#1911591

& William N Antoine PROSE

& William N Antoine PROSE

C.C.

William Antonio #1911591

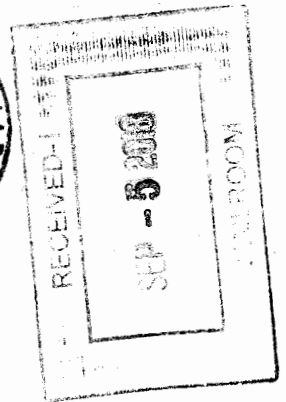
CLEMENTS UNIT

9601 SPUR 591

AMARILLO TX 79107-9601



UNITED States District Court
NORTHERN District of Texas
1100 Commerce st - 1452
Dallas Texas 75242



LEGAL

New Case

PRIVILEGED OFFENDER MAIL
NOT INSPECTED BY TEXAS
DEPARTMENT OF CRIMINAL
JUSTICE - CORRECTIONAL
INSTITUTIONS DIVISION